| 1 2 3 4 5 6 7 8 9 | Jayne W. Williams, Esq. (SBN:63203) jwilliams@meyersnave.com Deborah J. Fox, Esq. (SBN: 110929) dfox@meyersnave.com Philip A. Seymour (SBN: 116606) pseymour@meyersnave.com MEYERS, NAVE, RIBACK, SILVER & WILSO 555 12 th Street, Suite 1500 Oakland, California 94607 Telephone: (510) 808-2000 Facsimile: (510) 444-1108 Attorneys for Defendant CITY OF SAN LEANDRO UNITED STATES DIS | TRICT COURT |
|---|---|---|
| 11 | NORTHERN DISTRICT | 1 |
| 12 | INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL, | Case No. C07-03605-PJH |
| 13 | | DEFENDANT CITY OF SAN LEANDRO'S EXHIBITS 1-39 IN |
| 14 | Plaintiff, | SUPPORT OF ITS OPPOSITION TO |
| 15 | v. | PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT |
| 16 | CITY OF SAN LEANDRO, a municipal | [Plaintiff's Motion No. 2] |
| 17 | corporation, | Hearing: |
| 18 | Defendant. | Date: October 1, 2008 |
| 19 | Beteria. | Time: 9:00 a.m. Courtroom: 3 |
| 20 | FAITH FELLOWSHIP FOURSQUARE | Honorable Phyllis J. Hamilton |
| 21 | CHURCH, | Complaint Filed 7/12/07 |
| 22 | Real Party in Interest. | |
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TABLE OF EXHIBITS

| 2 | Exhibit | Description | Bates No. |
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| 3 | Exhibit 1 | Zoning Code, Article 1, Title, Components, and Purposes | 004 |
| 4 | Exhibit 2 | Zoning Code, Article 3, Definitions (excerpts) | 006 |
| 5 | Exhibit 3 | Zoning Code, Article 5, Residential Districts (excerpts) | 011 |
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| 15 | | Assembly Uses in the Industrial Limited Zone, | |
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| 21 | Exhibit 15 | Staff Report to Planning Commission, February 22, 2007 | 223 |
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| 23 | Exhibit 17 | Staff Report, City Council, March 19, 2007 | 295 |
| 24 | Exhibit 18 | Minutes, City Council, March 19, 2007 | 368 |
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| 1 | Exhibit | Description | Bates No. |
|----|------------|---|-----------|
| 2 | Exhibit 19 | Ordinance No. 2007-005 An Ordinance Of The City | 382 |
| 3 | | of San Leandro Amending San Leandro Zoning Code: | |
| 4 | | Part I, Article 3, Deleting Definitions For 'Clubs & | |
| 5 | | Lodges' And 'Religious Assembly' And Adding A | |
| 6 | | New Definition For 'Assembly Uses'; Part II, Article 5, | |
| 7 | | Amending Sections 2-504, 2-506, 2-508 and 2-510 | |
| 8 | | For Consistency With New Definitions; Part III, | |
| 9 | | Amending Article 13; and Part IV, Article 17, | |
| 10 | | Amending Section 4-1704, dated April 2, 2007 | |
| 11 | Exhibit 20 | Ordinance No. 2007-006 An Ordinance Of The City | 389 |
| 12 | | Of San Leandro Zoning Certain Properties Herein | |
| 13 | | Described As To Zoning With An Assembly Use | |
| 14 | | Overlay District And Amending Zoning Map For | |
| 15 | | 196 Identified Properties, dated April 2, 2007 | |
| 16 | Exhibit 21 | Staff Report to Planning Commission, April 12, 2007 | 399 |
| 17 | Exhibit 22 | Minutes, Planning Commission, April 12, 2007 | 417 |
| 18 | Exhibit 23 | Staff Report to City Council, May 7, 2007 | 440 |
| 19 | Exhibit 24 | Minutes, City Council, May 7, 2007 | 492 |
| 20 | Exhibit 25 | Letter to Jim Lee, Faith Fellowship Church from | 511 |
| 21 | | Debbie Pollart, June 29, 2006 | |
| 22 | Exhibit 26 | Assembly Use Overlay Application, received by City, | 513 |
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| 26 | Exhibit 28 | Excerpts, Deposition of John Jermanis, May 19, 2008 | 516 |
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| 2 | Exhibit 30 | Excerpts, Deposition of Gary Mortara, May 20, 2008 | 533 |
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| 4 | Exhibit 31 | Intentionally omitted | |
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| 9 | Exhibit 34 | Expert Report of Lloyd Zola: International Church of the | 558 |
| 10 | | Foursquare Gospel v. City of San Leandro, June 30, 2008 | |
| 11 | Exhibit 35 | Intentionally omitted | 598 |
| 12 | Exhibit 36 | Intentionally omitted | 628 |
| 13 | Exhibit 37 | Intentionally omitted | 638 |
| 14 | Exhibit 38 | Declaration of Debbie Pollart in Support of City of San | |
| 15 | | Leandro's Motion for Summary Judgment, filed 8/27/08 | 654 |
| 16 | Exhibit 39 | City of San Leandro's Motion for Summary Judgment or in | |
| 17 | | the Alternative Summary Adjudication of Claims, filed 8/27/08 | 673 |
| 18 | | | |
| 19 | Dated: Septe | mber 10, 2008 MEYERS, NAVE, RIBACK, SILVER & WII | LSON |
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| 22 | | By/s/ | _ |
| 23 | | DEBORAH J. FOX Attorneys for Defendant CITY OF SAN LEANDRO | |
| 24 | 1146101.1 | CITY OF SAN LEANDRO | |
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